

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

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In re WILLIAM NEWHALL, Debtor.	Case No. 04-13279-jnf Chapter: 7
DIRECTV, Inc., Plaintiff, v. WILLIAM NEWHALL, Defendant.	Adv. No. <i>04-1240</i> MOTION REGARDING FEDERAL DISTRICT COURT ACTION

The parties jointly move this court for an order:

1. Dismissing without prejudice, DIRECTV's Complaint to Determine Dischargeability of Debt Under 11 U.S.C. § 523;
2. Reinstating and allowing the case of DIRECTV, Inc. vs. William Newhall; USDC Docket No.: 03cv12411 PBS (hereinafter "the underline action") to proceed in the Eastern Division Federal District Court for Massachusetts;
3. Providing that the underling action will no longer be stayed due to this bankruptcy or affected by any discharge granted in this bankruptcy;
4. Requiring the Plaintiff to amend, with the District Court's approval, its Complaint to withdraw the Sixth Claim based upon 18 U.S.C. §2512(1)(b)

and to remove any references in the Complaint as to civil liability based exclusively on mere possession of the subject devices;

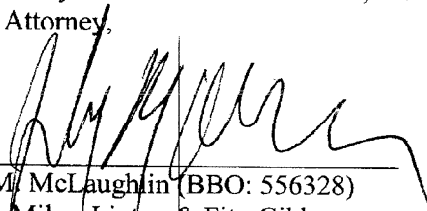
5. Providing that should the fact-finder in the United States District Court enter judgment against Defendant in the aforementioned existing action, as amended, the total amount of said judgment, based upon counts enumerated herein, would be non-dischargeable, pursuant to 11 U.S.C. § 523.

As grounds for this motion, the parties submit their stipulation herewith.

Respectfully submitted for DIRECTV, Inc.
By Its Attorney,

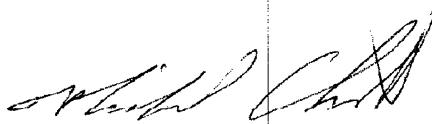
Date

10/13/04


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Respectfully submitted for William Newhall
By his Attorney,

11/4/04
Date

A handwritten signature in black ink, appearing to read "Michael A. Contant", written over a horizontal line.

Michael A. Contant
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